

Docket No.: 826-1034c2d2d2d

RCE/2876 \$ B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Shoji Hayashida

Confirmation No. 3711

Serial No. 10/045,094

Group Art Unit: 2876

Filed: August 3, 1998

Examiner: AHSHIK KIM

For: ELECTRONIC CASHLESS SYSTEM

PETITION TO WITHDRAW FROM ISSUE
UNDER 37 C.F.R. §1.313(c)

MAIL STOP: Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

ATTENTION:

Withdraw from Issue to File IDS and RCE
Office of Petitions
2201 South Clark Place
Crystal Plaza 4,
Suite 3C23
Arlington, VA 22202

I. Withdrawal From Issue

Applicants hereby submit this Petition, via hand carry to the Office of Petitions, pursuant to 37 CFR §1.313(c) requesting that the above-identified application, in which the Issue Fee has been paid on October 6, 2003, be withdrawn from issue for purposes of obtaining consideration of an Information Disclosure Statement (IDS) under 37 CFR 1.97 in a request for continued examination (RCE), filed concurrently herewith pursuant to 37 CFR 1.313(c)(2) and 1.114.

Thus, because the patent has not issued yet, it is believed that this petition is timely by being filed on February 12, 2004 with the Office of Petitions. Pursuant to a telephone conference on February 12, 2004 with the Office of Petitions, this Petition and enclosures are submitted to the Office of Petitions VIA HAND CARRY at the above-identified address.

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II. Request for refund of RCE fee.

As a response to the Office Communication mailed January 13, 2004, in which the Examiner crossed out the IDS citation in ATTACHMENT 1(g), signed the IDS ATTACHMENT 1(g) and asserted that the IDS citation was not considered, a Letter to the Examiner was filed on February 4, 2004 requesting consideration of the June 6, 2003 IDS and summarizing the telephonic interviews with the Supervisory Examiner, Mr. MICHAEL GUNYOUNG LEE, on January 29, 2004 and February 3, 2004, as follows. The content of the interview summary was discussed before hand with the Supervisory Examiner. The Supervisor asserted that the citation in the IDS filed June 6, 2003 was looked at, considered, but deemed not relevant to the claim language of the above-identified allowed US patent application, and thus, the Examiner crossed out the IDS citation and the IDS citation will not be published on the issued patent and only placed in the file wrapper. Therefore, it is understood that the Examiner considered the IDS filed June 6, 2003, but the Examiner crossed out the IDS citation and did not initial the IDS citation, such that the IDS citation will not be published on the issued patent, because the IDS citation was not relevant to the claim language of the present application.

However, there is no MPEP support for such IDS consideration but crossing out of the IDS citation, so the Applicants desire that the IDS citation be considered and initialized by the Examiner to be printed on the Patent according to the MPEP. Further, the IDS citation in the June 6, 2003 IDS is not voluminous or unreasonable. The IDS was filed June 6, 2003 prior to issuance of an After Final Office Action or a Notice of Allowance, and the IDS conformed to 37 CFR 1.98 and 1.97(c), (e)(1). It is understood that the USPTO must consider the June 6, 2003 IDS pursuant to 37 CFR 1.98 and 1.97(c), (e)(1) and MPEP 609, and therefore the Examiner should also initial the document citation in the IDS ATTACHMENT 1(g) and sign the IDS ATTACHMENT 1(g) so that the IDS citation will be published on the issued patent. Therefore, pursuant to the previous Letters to the Examiner filed August 8, 2003 and February 4, 2004, regarding the status of the IDS filed June 6, 2003, it is respectfully requested that the Examiner consider and expressly acknowledge the Information Disclosure Statement, including ATTACHMENT 1(g), filed on June 6, 2003, without crossing out the IDS citation by initialing the citation and signing the IDS, ATTACHMENT 1(g), so that the IDS citation will be published on the issued patent.

Accordingly, a refund of the RCE fee paid concurrently herewith on February 12, 2004 is also requested, because it is believed that the USPTO must have considered the IDS filed June 6, 2003 including initializing the IDS citation.

III. Enclosed with this Petition is a check in the amount of \$130.00 covering the petition fee pursuant to 37 C.F.R. §1.17(h).


Enclosed is also a Request for Continued Examination filed concurrently herewith along with an Information Disclosure Statement.

If any further fees are required in connection with the filing of this Petition, please charge same to our Deposit Account No. 19-3935.

In view of the foregoing, it is respectfully requested that this Petition for Withdrawal be granted.

Respectfully submitted,
STAAS & HALSEY LLP

Date: 2/12/2004

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